

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brown, Stephen

Serial No.: 10/826,107

Patent No:

Title: REMOTE HEALTH MONITORING AND MAINTENANCE SYSTEM

Filed: April 16, 2004

Attorney Docket No.: 04-0410

Art Unit: 3686

Re: Information regarding litigation

MPEP §2001.06(c) requires that "Where the subject matter for which a patent is being sought is or has been involved in litigation, the existence of such litigation and any other material information arising therefrom must be brought to the attention of the U.S. Patent and Trademark Office."

Applicant Health Hero Network is in litigation with Alere Medical Inc. with respect to several patents including US Patent No. 7,223,236 and 6,368,273 ("the HHN patents") in the United States District Court for the Northern District of Illinois, Eastern Division (Civil Action No. 07CV5031).

The application currently under examination before the Examiner claims priority from subject matter disclosed in the HHN patents.

Pursuant to discovery in the litigation, Alere has identified certain patents and publications that Alere believes to be "material to the patentability of the claims" in the HHN patents.

The patents and publications identified specifically for the HHN patents are listed in IDS No. 1.

In addition to the foregoing, Alere has also identified several other patents and publications. Applicant hereby provides the Examiner with this additional list out of an abundance of caution. These additional patents and publications are listed in IDS No. 2 and IDS No. 3.

IDS No. 2 lists patents and publications with a filing or publication

date on or prior to March 1997. Applicant has elected to separate this listing because the latest claim of priority in the subject matter of the current application is March 1997.

IDS No. 3 lists patents and publications with a filing or publication date on or after March 1997.

Applicant has taken reasonable efforts to ensure that these listings do not contain art that has already been disclosed to the Office during the prosecution of this application.

Respectfully submitted,



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Dated: May 13, 2009
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